

ORDINANCE NO. 2631

AN ORDINANCE OF THE CITY OF CHULA VISTA ADDING
SECTION 17.07.035 TO THE CHULA VISTA MUNICIPAL CODE
RELATING TO LANDSCAPING ACT PROVIDERS

SECTION I: That Section 17.07.035 is hereby added to the Chula Vista Municipal Code to read as follows:

Sec. 17.07.035 Landscaping Act Providers.

A. Distinguish Assessment from Collection Against Assessment.

There is, under this assessment district procedure applicable in the City of Chula Vista, a difference between the amount of the assessment imposed against any parcel of property, and the amount which may be collected against that assessment. The purpose of setting the assessment is to give the property owner notice of the maximum costs which may be collected, and for the purpose of permitting a majority protest proceeding on the assessment, but not on the collection. "Assessment", as used in these proceedings, shall mean the maximum amount collectable in a given year under the procedures allowed by this Chapter.

B. Amount of Assessment.

1. Notwithstanding the costs which may be included in an assessment and Section 22569 through 22570 of the Streets and Highways Code, the assessment may, but is not required to, be set in the initial year of the district's existence at an amount which is expected to be equal to the estimated costs of operating the district, plus a reserve for unanticipated expenses in accordance with Section 17.07.030. After the initial year of the district's existence, the assessment shall be the prior year's assessment increased or decreased by an inflation factor which is the lesser of (1) the January to January San Diego Metropolitan Area All Urban Consumer Price Index (CPI) or (2) the change in estimated California Fourth Quarter Per Capita Personal Income as contained in the Governor's budget published in January.
2. For existing districts the base year upon which the assessment is set is the 1995/96 Fiscal Year. For districts created after July 1, 1995, the base year assessment shall be the first full year's assessment. The inflation factor shall be applied first to either the 1996/97 assessments or the second full year for new districts.

C. Collection on assessment.

Notwithstanding Section 22572, the amount which the City may collect on each assessment by charge on the tax roll, shall be that needed to meet the annual expenses and expenditures of the district, including delinquent collections and the permitted reserve allowed under Section 17.07.030, but in no event in an amount greater than the amount of the assessment.

D. Amount Due at Given Dates During Fiscal Year.

Until a property owner receives a tax bill properly demonstrating a lower amount due on the assessment than the amount of the assessment, the amount due on the assessment shall be assumed

to be the amount set forth in the assessment. After receipt of a tax bill that includes a lower amount due on the assessment for a given fiscal year, the lower amount due on the assessment shall when paid satisfy the assessment obligation for that fiscal year.

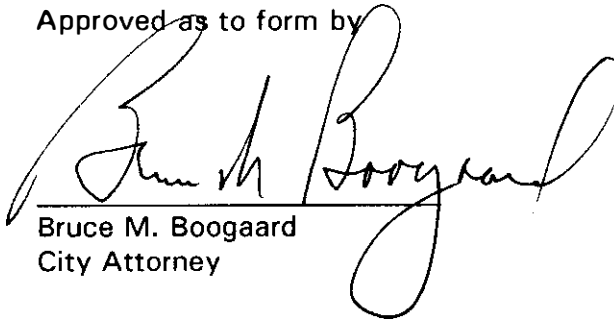
SECTION II: This section shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by



John P. Lippitt
Director of Public Works

Approved as to form by



Bruce M. Boogaard
City Attorney

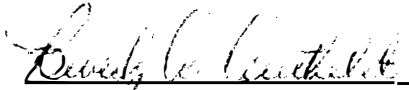
PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 13th day of June, 1995, by the following vote:

AYES:	Councilmembers:	Alevy, Moot, Padilla, Rindone, Horton
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None



Shirley Horton, Mayor

ATTEST:

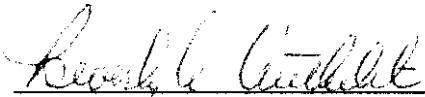


Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2631 had its first reading on May 23, 1995, and its second reading and adoption at a regular meeting of said City Council on the 13th day of June, 1995.

Executed this 13th day of June, 1995.



Beverly A. Authelet, City Clerk